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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,772	10/04/2004	Ariel Charytan	EPNA.P-003	5771
57380	7590	12/21/2007		
Oppedahl Patent Law Firm LLC P.O. BOX 4850 FRISCO, CO 80443-4850			EXAMINER TIEU, BINH KIEN	
			ART UNIT	PAPER NUMBER
			2614	
			NOTIFICATION DATE	DELIVERY MODE
			12/21/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket-oppedahl@oppedahl.com

**Office Action Summary**

Application No.

10/711,772

Applicant(s)

CHARYTAN ET AL.

Examiner

/BINH K. TIEU/

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "a caller" in "...receiving a first telephone call from a caller at..." and in "...receiving a second telephone call from a caller at...". Is "a caller" made the first phone call the same "a caller" made the second phone call? There is insufficient antecedent basis for this limitation in the claim. For Examination purposes, the Examiner assumes that:

- a. If the same, the phrase "...receiving a second telephone call from a caller at..." should be changed to "...receiving a second telephone call from *the* caller at..."

(emphasis added); and

- b. If difference, the phrase "...receiving a second telephone call from a caller at..." should be changed to "...receiving a second telephone call from an another caller at..."

(emphasis added).

3. Claim 5 recites the limitation "to make at least one long-distance telephone call" in using the first PIN number with... and in using the second PIN number with... There is insufficient antecedent basis for this limitation in the claim. Is "least one long-distance telephone call" is made from using the first PIN the same "least one long-distance telephone call" using the second PIN? In the other words, are the two PINs used to make the "least one long-distance telephone call"? For Examination purposes, the Examiner assumes that, according to the specification, the

phrase "...using the second PIN number with the telephone access number to make at least one long-distance telephone call" should be changed to "...using the second PIN number with the telephone access number to make **another** at least one long-distance telephone call" (emphasis added).

4. Regarding claim 10, there are similar insufficient antecedent basis as in claims 1 and 5 above. Therefore, for examination purposes, the Examiner assumes that:

"...receiving a second telephone call from a caller at the telephone access number; via the second telephone call, receiving the second PIN number and connecting at least one long-distance telephone call for the caller" should be changed to "...receiving a second telephone call from **another** caller at the telephone access number; via the second telephone call, receiving the second PIN number and connecting **another** at least one long-distance telephone call for the caller."

5. Regarding claim 14, there is similar insufficient antecedent basis as in claim 5 above. Therefore, see section 3 above.

***Allowable Subject Matter***

6. Claims 9 and 18-19 are allowed.

7. Claims 1, 5, 10, 14 and their dependent claims would be allowable if claims 1, 5, 10, 14 are rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. The following is a statement of reasons for the indication of allowable subject matter:

Hodes (Pub. No.: US 2002/0088851) teaches prepaid packages each included a card having multiple personal identification numbers (PINs) for authorizations. The card may have additional PINs for downloading music or literature. Hodes fails to clearly teach that each PIN is used to make at least one long-distance call.

Bauer et al. (Pub. No.: US 2004/0120475) teaches a virtual prepaid calling card account that contains two different personal identification numbers (PINs). The first PIN is used to make at least one long-distance call, but the second PIN is used to access to a subset of calling-card service so that the caller can record a message for the calling-card owner. Bauer also fails to teach the second PIN is used to make another at least one long-distance call.

Paschini et al. (Pub. No.: US 2005/0008132) and New et al. (Pub. No.: US 2005/0123112) each teaches a virtual prepaid account system that allows a purchaser to buy multiple PINs from a point of sale (POS) terminal, and print such purchased PINs on a receipt. Each of the PINs can be used to make at least one long-distance call. However, Paschini et al. and New et al. each fails to clearly teach the multiple purchased PINs are provided onto a virtual prepaid calling call or same prepaid account.

Jacobs (US. Pat. #: 7,290,703) teaches a prepaid calling card having two portions each contained a PIN number for use of making at least one long-distance call. However, the filing

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date of Jacobs was behind the filing date of present application. Therefore, Jacobs can not be applied as a reference.

Other cited references are also fails to teach the limitations as recited claims 1-19.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

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In formation regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the FAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/BINH K. TIEU/**  
Primary Examiner  
Technology Division 2614

Date: December 2007